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3:01-CV-2031 SAFETY SYRINGES INC V. BECTON DICKINSON

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ANSCNTCLM.

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SAFETY SYRINGES, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SAFETY SYRINGES, INC., a) Case No. 01 CV 2031 J (NLS)
Delaware corporation,)
) PLAINTIFF'S REPLY TO DEFENDANT'S
Plaintiff,) COUNTERCLAIM FOR DECLARATORY
) JUDGMENT
v.)
)
BECTON, DICKINSON AND COMPANY, a)
New Jersey corporation,)
)
Defendant.)

Plaintiff, Safety Syringes, Inc. ("Safety Syringes"),
hereby replies to defendant Becton, Dickinson and Company's
Counterclaim for Declaratory Judgment and admits, denies, and
alleges as follows:

OC-103211.1

PLAINTIFF'S REPLY TO DEFENDANT'S
COUNTERCLAIM FOR DECLARATORY JUDGMENT
CASE NO. 01 CV 2031 J (NLS)

COUNTERCLAIM

1
2 1. Safety Syringes admits that Defendant has filed a
3 counterclaim for a declaratory judgment, but denies that
4 Defendant does not infringe U.S. Reissue Patent No. 37,439 ("the
5 '439 patent") and denies that the '439 patent is invalid.

Parties and Jurisdiction

6
7 2. Admitted.

8 3. Admitted.

9 4. Admitted.

Facts

10
11 5. Admitted.

12 6. Admitted.

13 7. Denied.

14 8. Denied.

15 9. Admitted.

16 10. Denied.

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18 LYON & LYON LLP

19
20 By

G. Peter Albert, Jr.
Attorneys for Plaintiff
SAFETY SYRINGES, INC.

21 Dated: February 8, 2002

PROOF OF SERVICE

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action. My business address is 4225 Executive Square, Suite 800, La Jolla, California 92037.

On February 8, 2002, I served the foregoing document described as **PLAINTIFF'S REPLY TO DEFENDANT'S COUNTERCLAIM FOR DECLARATORY JUDGMENT** on all other parties to this action in the manner described as follows:

(X) BY MAIL - I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at La Jolla, California to the persons named below:

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Executed on February 8, 2002, at La Jolla, California. I declare under penalty of perjury that the above is true and correct.


Linda Johnson